

REMARKS

I. Introduction

Claims 10-16 are currently pending in the present application after cancellation of claim 9. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the acknowledgment that all certified copies of the priority documents have been received.

Applicants also thank the Examiner for the acceptance of the drawings filed on July 19, 2004.

II. Specification

The Specification was objected to because of certain informalities. Applicants have amended the Specification as suggested by the Examiner. It is therefore respectfully requested that the objections to the Specification be withdrawn.

III. Rejection of Claims 9-16 under 35 U.S.C. § 112, second paragraph

Claims 9-16 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner noted that claim 9 “fails to recite structure/means that formulate an output signal that is representative of the viscosity and/or density of the fluid. Only a resonator and an oscillator circuit are provided, which could be used to measure other fluid characteristics or no characteristics at all.” In response, Applicants have canceled claim 9, and the subject matter of claim 9 has been incorporated into each of amended claims 10 and 11. Furthermore, amended claims 10 and 11 each recite that “the resonator functions as a sensor for generating a signal representative of at least one of the viscosity of the fluid and the density of the fluid.” Accordingly, Applicants respectfully submit that amended claims 10 and 11, as well as their dependent claims 12-16, are in compliance with 35 U.S.C. § 112, second paragraph.

IV. Rejection of Claim 9 Under 35 U.S.C. § 102(b)

Claim 9 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,054,313 ("Fitzgerald et al."). Applicants have canceled claim 9, so the rejection is moot.

V. Allowable Subject Matter

Applicants note with appreciation the indication of allowable subject matter contained in claims 10-16. In this regard, the Examiner will note that claims 10 and 11 have been rewritten in independent form to include all of the limitations of their respective base claim 9, as well as further reciting the feature that "the resonator functions as a sensor for generating a signal representative of at least one of the viscosity of the fluid and the density of the fluid." In view of the foregoing, it is respectfully submitted that claims 10 and 11, as well as their dependent claims 12-16, are in condition for immediate allowance.

VI. Conclusion

In light of the foregoing, it is respectfully submitted that all pending claims 10-16 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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By: 

Richard L. Mayer
Reg. No. 22,490

KENYON & KENYON
One Broadway
New York, New York 10004
(212) 425-7200

CUSTOMER NO 26646

R. No. 36,197)